

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of:

Amendment of Section 73.207 of the  
Commission's Rules and Regulations  
Table of FM Allotments  
(Eatonton, Georgia and Lincolnton, Georgia)

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MB Docket No. \_\_\_\_\_

RM- \_\_\_\_\_

TO: Audio Division

**PETITION FOR RULEMAKING**

Middle Georgia Communications, Inc. (hereinafter "Middle Georgia"), by its attorney, hereby respectfully requests the Audio Division to issue a Notice of Proposed Rulemaking, looking towards the re-allotment of Channel 249C3 from Eatonton, Georgia to Lincolnton, Georgia, as a Class C2 facility, and to issue an Order, directing Middle Georgia to show cause why its license for FM Broadcast Station WMGZ, Eatonton, Georgia, should not be modified to specify operation as a Class C2 facility on Channel 249 at Lincolnton, Georgia. In support thereof, it is alleged:

1. Middle Georgia is the licensee of FM Broadcast Station WMGZ, Eatonton, Georgia. Currently, Station WMGZ operates with Class C3 facilities on Channel 249. Middle Georgia hereby respectfully requests the Audio Division to release a Notice of Proposed Rulemaking, looking towards an upgrade in the facilities of Station WMGZ from Class C3 facilities on Channel 249 at Eatonton, Georgia to a Class C2 facility on the same channel at Lincolnton, Georgia. The proposed changes may be summarized as follows:

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	Eatonton, Georgia	Lincolnton, Georgia
Present	249C3	_____
Proposed	_____	249C2

2. Lincolnton, Georgia is a community of 1,595 persons (2000 Census), situated in Lincoln County, Georgia (2000 Census pop. 8,348 persons). The community is located approximately 40 miles northwest of Augusta, Georgia, near the Georgia/South Carolina state line.

3. Lincolnton is an incorporated community, governed by a mayor and a city council. It has approximately 30 churches. It has its own police department and fire department. It has an elementary school, and a high school. It has a variety of different businesses, including doctors, dentists, and lawyers. It is, in short, a thoroughly independent community qualifying for an FM allotment. It is not situated near an urbanized area. Therefore, a *Tuck* showing is not necessary.<sup>1</sup>

4. As shown by the attached Statement, prepared by Middle Georgia's engineer, Clyde Scott, Channel 249C2 can be allotted to Lincolnton in full conformity with all of the FCC's Rules and Regulations.

5. Eatonton, Georgia presently has two local broadcast stations: WMGZ(FM), and WKBQ(AM). If, as proposed, Station WMGZ(FM) is moved from Eatonton to Lincolnton, Eatonton will continue to have local service from Station WKBQ(AM). Lincolnton, on the other hand, will gain a first local broadcast service.

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<sup>1</sup> *Faye and Richard Tuck*, 3 FCC Rcd 5374 ("*Tuck*").

Thus, the proposed change will bring about a preferential arrangement of allotments, in accordance with the Commission's allotment priorities.<sup>2</sup>

6. Furthermore, because Eatonton will continue to have local broadcast service, the changes proposed herein are consistent with the Commission's mandate, under 47 U.S.C. §307(b), to provide for a "fair, efficient, and equitable" distribution of radio service.

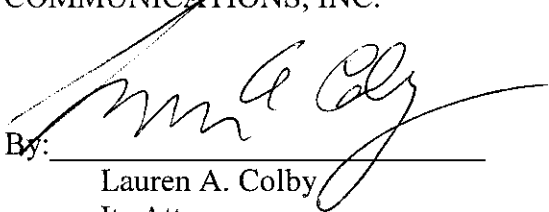
7. If the Commission reallocates Channel 249 from Eatonton, Georgia to Lincolnton, Georgia, and modifies the license of Station WMGZ to specify operation at Lincolnton on Channel 249C2, Middle Georgia will promptly file an application to implement the change. Furthermore, if the application is granted, Middle Georgia will promptly construct the Class C2 facilities and place them in operation, in the public interest.

Respectfully submitted,

June 17, 2004

MIDDLE GEORGIA  
COMMUNICATIONS, INC.

Law Office of  
LAUREN A. COLBY  
10 E. Fourth Street  
P.O. Box 113  
Frederick, MD 21705-0113

By:   
Lauren A. Colby  
Its Attorney

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<sup>2</sup> The FM allotment priorities are: (1) First fulltime aural service; (2) Second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3). *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1988).

MIDDLE GEORGIA COMMUNICATIONS, INC.  
WMGZ (FM)  
EATONTON, GEORGIA

TECHNICAL STATEMENT  
IN SUPPORT OF  
PROPOSED RULEMAKING  
LINCOLNTON, GEORGIA

June 17, 2004

The following technical statements, and related exhibits, have been prepared for Middle Georgia Communications, Inc., and are in support of an amendment of section 73.202 (b) of the Commission's rules to change the city of license of FM radio station WMGZ from Eatonton to Lincolnton, Georgia and a change in domestic class from C3 to C2. Lincolnton presently has NO local service. This proposal requests the FM table of allotments be changed to reflect the following.

	Eatonton, GA	Lincolnton, GA.
Present	249C3	----
Proposed	---	249C2

On June 15, 2004, CXR Holdings, Inc., Licensee of FM station WHZT, Seneca South Carolina, modified an application (BPH20040413ABO) to propose a new site and down class WHZT from class C to C1. **Exhibit 1** clearly shows, with the proposed change by CXR, the proposed site for WMGZ to operate as a class C2, is in compliance with CFR section 73.207, as amended.

Eatonton, Georgia would not be without local service as a result of this action. AM station WKVQ would remain to provide service to Eatonton. WKVQ operates on 1520 KHz with 1.0 kW.

The proposed site is restricted west of Lincolnton by 21.8 Km (13.54 miles). **Exhibit 2** clearly shows the 70 dBu (3.16 mV/m) contour would totally encompass Lincolnton. Also provided is a line of site study that shows no terrain restriction between the proposed site and proposed city of license.

**Exhibit 3** is a showing of the 60 dBu contour. A total of 114,134 persons would receive service. **Exhibit 4** is a gain/loss study showing that 11,365 persons

would continue to receive service. The total persons to lose service would be 87,077. Considering the total persons to receive new service, a resulting net gain of 15,692 persons would result from the proposed change.

Lincolnton, Georgia is a fully incorporated city and a US Census recognized town. According to the 2000 Census data, the total population of Lincolnton is 1,595 persons. Lincolnton is **NOT** located in any recognized urban area. The proposed contour does **NOT** penetrate any recognized urban area. Therefore, no "Tuck" study was included with this proposal.

The City of Lincolnton, established in 1796, is the county seat of Lincoln County. Lincolnton has a completely operating elected city government including a mayor and council persons. Lincolnton has its own police department, with 5 fulltime employees, including a police chief. The city employees a complete public works department responsible for public water, sewage and refuse disposal. Lincolnton has a library and three schools including high, middle and elementary levels. The city is serviced by a cable TV system and US post office (30817 & 30824). The downtown area of Lincolnton is serviced by no less than 75 operating businesses.

#### Conclusion

Middle Georgia Communications, Inc. requests the Commission amend section 73.202 (b) of the Commissions rules to reflect a change in the city of license of FM station WMGZ from Eatonton to Lincolnton, Georgia. The above technical statement and related attached exhibits show that this proposal passes muster with all Commissions rules and therefore should be granted.

Clyde Scott, Jr.  
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Moultrie, GA 31768  
229-890-2506  
cscott@emecom.com

STATE OF GEORGIA )  
CITY OF MOULTRIE )  
COLQUITT COUNTY )

§

CLYDE SCOTT, JR. , UNDER PENALTY OF PERJURY, DECLARES AND SAYS  
HE IS A BROADCAST ENGINEER AND PRESIDENT OF EME COMMUNICATIONS.  
HE HAS BEEN ENGAGED TO PREPARE THE ATTACHED TECHNICAL EXHIBIT.

THAT HIS QUALIFICATIONS ARE A MATTER OF RECORD BEFORE THE FEDERAL  
COMMUNICATIONS COMMISSION AND HAS BEEN ACTIVE IN THE BROADCAST  
INDUSTRY SINCE 1965 AND IN BROADCAST ENGINEERING SINCE 1972. THAT  
HE IS THE HOLDER OF GENERAL RADIOTELEPHONE LICNESE NO. PG-6-30133.

THAT THE ATTACHED TECHNICAL EXHIBIT WAS EITHER PREPARED BY HIM  
OR UNDER HIS DIRECT SUPERVISION. ALL MATERIAL AND EXHIBITS HERETO  
ARE BELIEVED TO BE TRUE AND CORRECT.

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CLYDE SCOTT, JR.



WMGZ C2 CLEAR AREA WITH WHZT AT PROPOSED SITE  
AS A C1 FACILITY

FMCONT<sup>(TM)</sup> LOCATE STUDY

Ch 249 C2  
97.7 MHz

N. Lat. 33 46 08  
W. Lng. 82 42 23

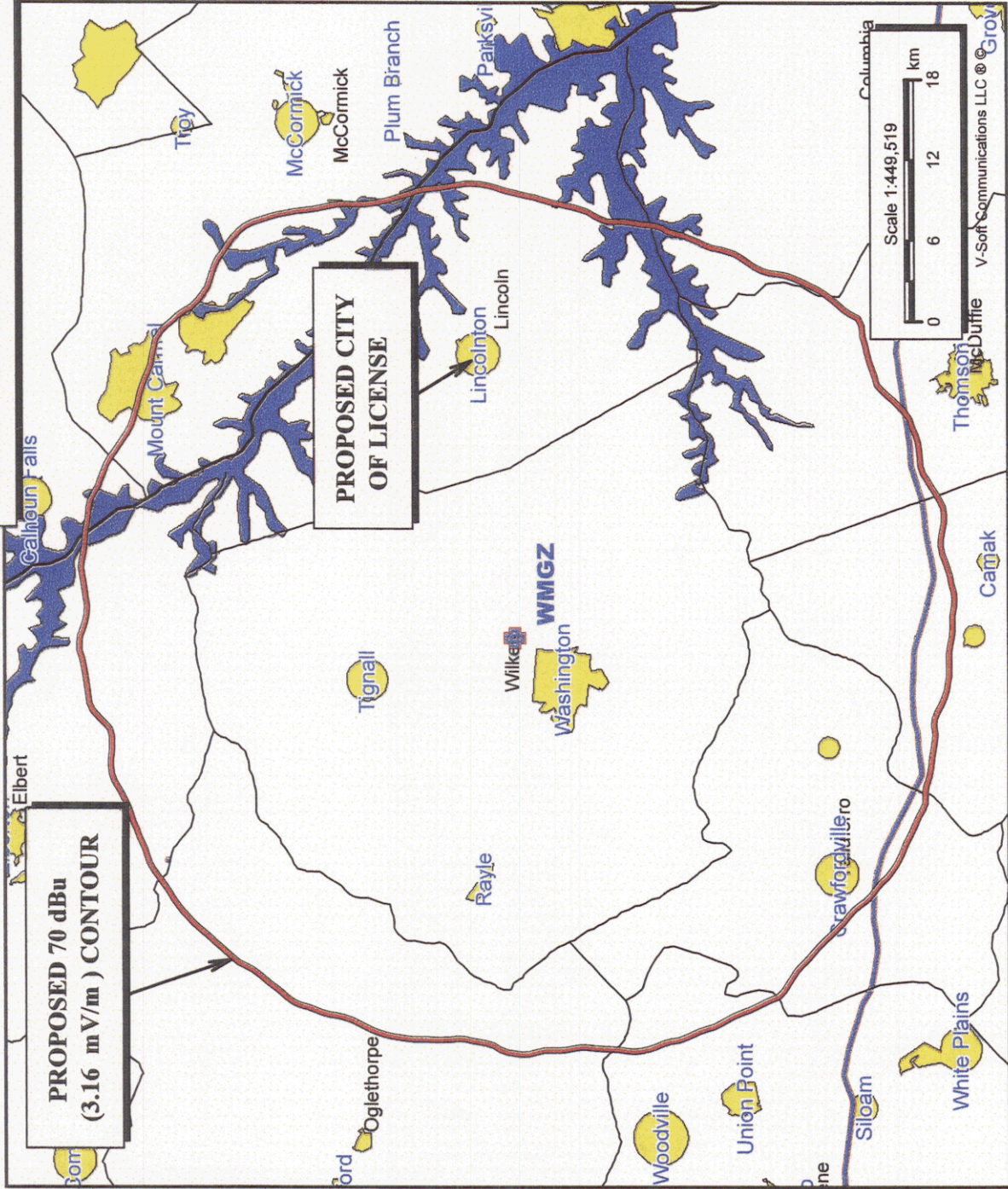
Dates:  
Data:06-17-04  
Job :06-17-04



Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
WMGZ	249C3	LIC	Eatonton	GA	67.51	225.9	177.0	-109.49
WCOSFM	248C1	LIC	Columbia	SC	158.00	74.4	158.0	0.00
RDEL	251C	DEL	Seneca	SC	105.13	345.9	105.0	0.13
WHZT	251C*	LIC	Seneca	SC	105.13	345.9	105.0	0.13
WTCQ	249A	LIC	Vidalia	GA	173.61	171.6	166.0	7.61
WFOX	246C	LIC	Gainesville	GA	113.65	290.8	105.0	8.65
WIIZ	250C2	LIC	Blackville	SC	142.54	120.4	130.0	12.54
WHZT.A	251C1	APP-Z	Seneca	SC	92.04	344.2	79.0	13.04
WHZT.A	251C1	APP-Z	Seneca	SC	103.93	5.1	79.0	24.93
WSLT	252A	LIC	Clearwater	SC	84.12	113.2	55.0	29.12
WPEG	250C	LIC-D	Concord	NC	226.95	38.3	188.0	38.95
WIBBFM	250C3	LIC	Fort Valley	GA	165.17	216.6	117.0	48.17
WPZE	248C3	LIC	Fayetteville	GA	176.84	260.5	117.0	59.84
WKCX	249C3	LIC-Z	Rome	GA	238.80	283.3	177.0	61.80
WUFFFM	248A	LIC	Eastman	GA	177.64	195.7	106.0	71.64
WUFFFA	248A	APP	Eastman	GA	178.10	195.6	106.0	72.10
AL251	251C3	RSV	East Dublin	GA	134.30	179.9	56.0	78.30
WELT.C	251C3	CP	East Dublin	GA	135.43	177.6	56.0	79.43
WELT	251A	LIC	Swainsboro	GA	135.10	166.2	55.0	80.10
WJXBFM	248C*	LIC	Knoxville	TN	272.72	336.2	188.0	84.72
WKAA	249A	LIC N	Ocilla	GA	255.38	193.4	166.0	89.38



EME COMMUNICATIONS - MOULTRIE, GA.



**PROPOSED 70 dBu  
(3.16 mV/m) CONTOUR**

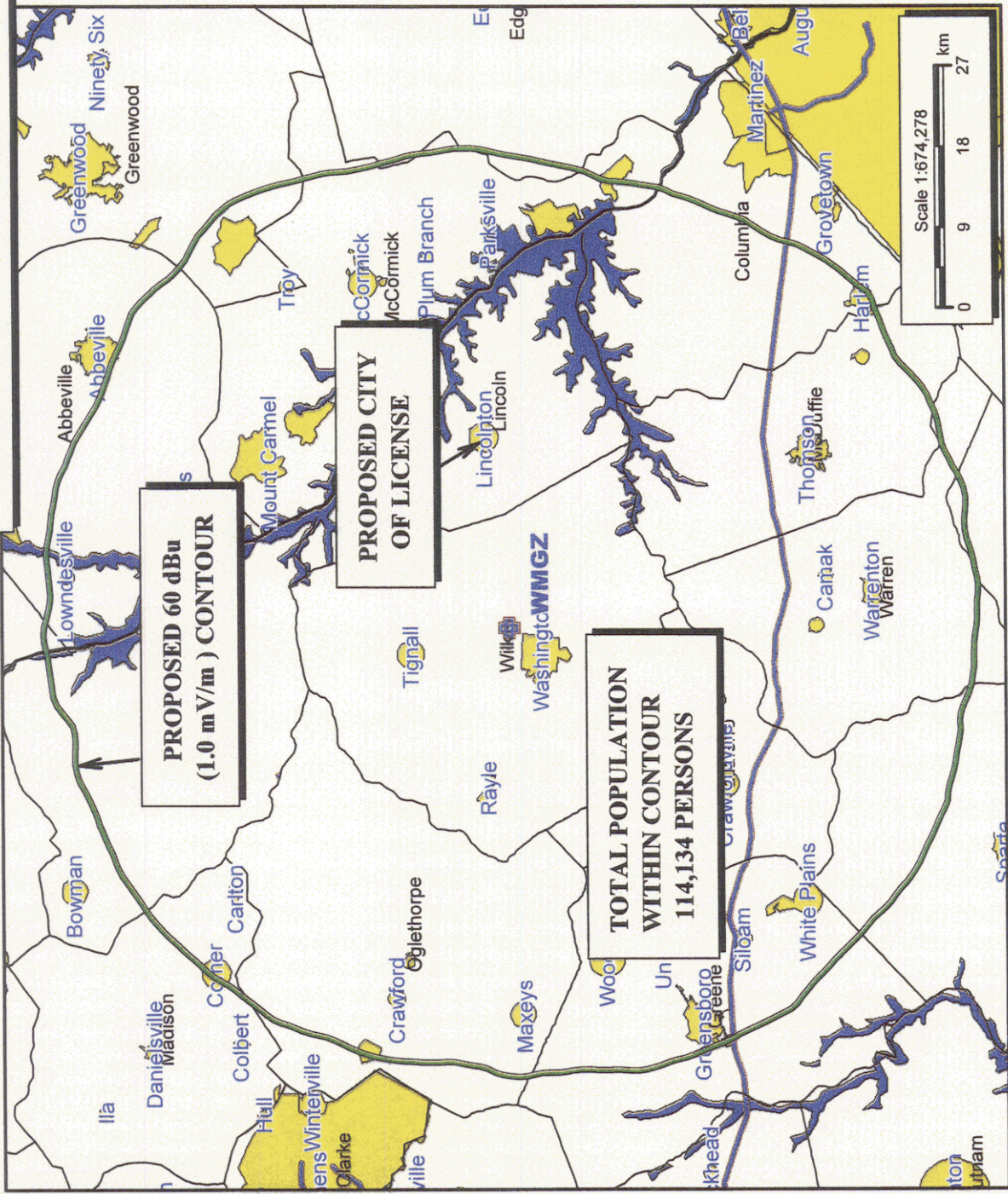
**PROPOSED CITY  
OF LICENSE**

**WMGZ**  
Latitude: 33-46-08 N  
Longitude: 082-42-23 W  
ERP: 50.00 kW  
Channel: 249  
Frequency: 97.7 MHz  
AMSL Height: 303.6 m  
Elevation: 152.0 m  
Horiz. Pattern: Omni  
Vert. Pattern: No  
Prop Model: None

**EXHIBIT - 2**



# EME COMMUNICATIONS - MOULTRIE, GA.



WMGZ

Latitude: 33-46-08 N  
 Longitude: 082-42-23 W  
 ERP: 50.00 kW  
 Channel: 249  
 Frequency: 97.7 MHz  
 AMSL Height: 303.6 m  
 Elevation: 152.0 m  
 Horiz. Pattern: Omni  
 Vert. Pattern: No  
 Prop Model: None

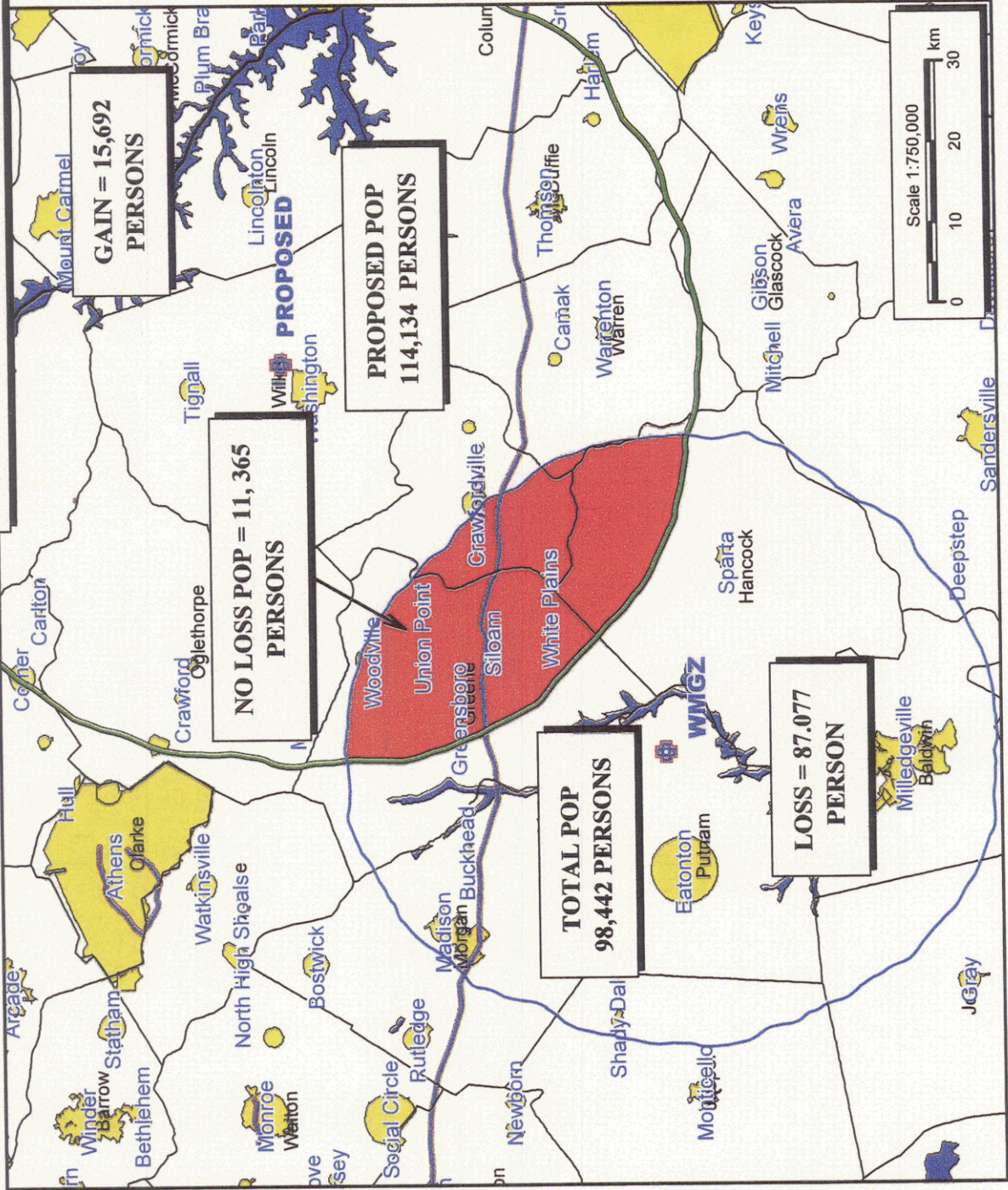
EXHIBIT - 3



# EME COMMUNICATIONS - MOULTRIE, GA.

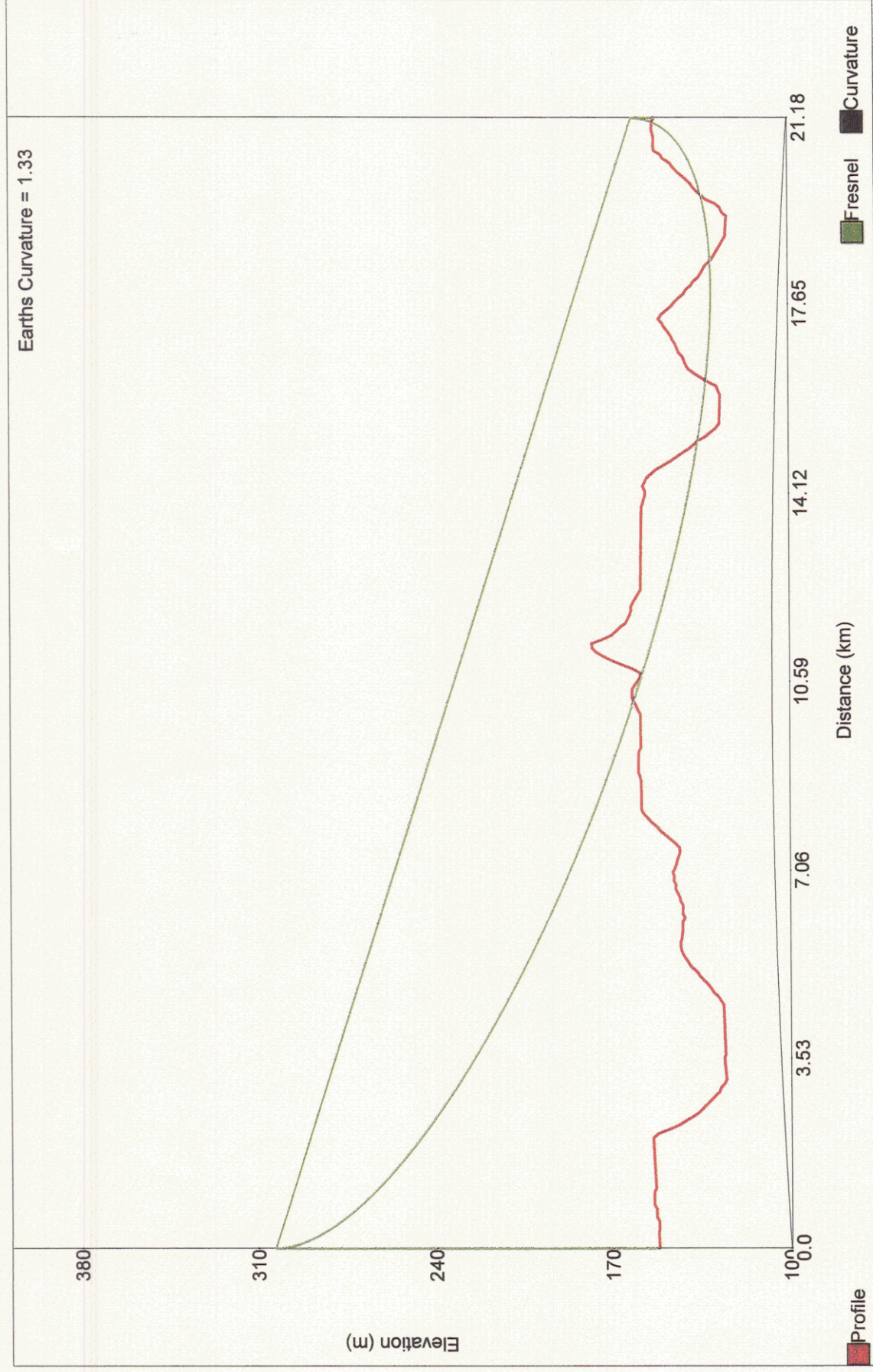
**PROPOSED**  
 Latitude: 33-46-08 N  
 Longitude: 082-42-23 W  
 ERP: 50.00 kW  
 Channel: 249  
 Frequency: 97.7 MHz  
 AMSL Height: 303.6 m  
 Elevation: 152.0 m  
 Horiz. Pattern: Omni  
 Vert. Pattern: No  
 Prop Model: None

## EXHIBIT - 4





# LOS FROM PROPOSED SITE TO LINCOLN TON



Starting Latitude: 33-46-08 N	End Latitude: 33-47-32.39 N	Distance: 21.18 km
Starting Longitude: 082-42-23 W	End Longitude: 082-28-46.11 W	Bearing: 82.89 deg
Transmitter Height (AG) = 151.6 m	Transmitter Elevation = 152.0 m	Frequency = 97.7 MHz
Receiver Height (AG) = 9.1 m	Receiver Elevation = 152.3 m	Fresnel Zone: 0.6